

LEGISLATURE OF NEBRASKA  
NINETY-SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 325**

Introduced by Suttle, 10

Read first time January 8, 2001

Committee: Urban Affairs

A BILL

1 FOR AN ACT relating to cities of the metropolitan class; to amend  
2 sections 14-374 and 14-420, Reissue Revised Statutes of  
3 Nebraska; to change provisions relating to acquisition of  
4 property and zoning changes; to provide duties; to define  
5 terms; and to repeal the original sections.  
6 Be it enacted by the people of the State of Nebraska,

1                   Section 1.    Section 14-374, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   14-374.   (1) Each city of the metropolitan class shall  
4 have the power to acquire by gift, purchase, condemnation, or  
5 bequest, such real estate within the corporate limits and within  
6 three miles thereof as may be necessary for any public use and may  
7 later convey, lease, sell, or otherwise dispose of any real estate  
8 thus acquired and not necessary for present use or future  
9 development upon such terms as it may deem appropriate.    In  
10 addition to any other public uses, the following are declared to be  
11 for a public purpose and for the public health and welfare:  
12 Establishing, laying out, widening, and enlarging waterways,  
13 streets, bridges, boulevards, parkways, parks, playgrounds, sites  
14 for public buildings, and property for administrative,  
15 institutional, educational, and all other public uses, and for  
16 reservations in, about, along, or leading to any or all of the  
17 same.    The powers provided in this section shall be in addition to  
18 and not in restriction of any other powers now held by such cities.

19                   (2) Prior to acquiring any subject property by purchase  
20 or condemnation, the city shall send notice of such action to the  
21 owners of adjacent property. Such notice shall be sent by regular  
22 United States mail, postage prepaid, to the owner's address as it  
23 appears in the records of the office of the register of deeds,  
24 postmarked at least twenty working days prior to any action to  
25 purchase or condemn the property. The city shall also so notify  
26 any registered neighborhood association of such action by certified  
27 letter when the subject property is located within the boundary of  
28 the area of concern of such association. Each neighborhood

1 association desiring to receive such notice shall register with the  
2 city the area of concern of such association and the name and  
3 address of the individual who is to receive notice on behalf of  
4 such association. The registration shall be in accordance with any  
5 rules adopted and promulgated by the city. Such notice shall  
6 describe the subject property or give its address, and describe the  
7 nature of the reason for the purchase or condemnation proceedings.

8 (3) For purposes of this section:

9 (a) Adjacent property means any piece of real property  
10 any portion of which is located within one-half mile of the nearest  
11 boundary line of the subject property;

12 (b) Owner means the owner of a piece of adjacent property  
13 as indicated on the records of the office of the register of deeds  
14 as provided to or made available to the city no earlier than the  
15 last business day before the thirty-fifth day preceding the date  
16 the notice is sent; and

17 (c) Subject property means any tract of real property  
18 which is the subject of a purchase or condemnation by the city  
19 under subsection (1) of this section.

20 Sec. 2. Section 14-420, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 14-420. (1) A city of the metropolitan class shall  
23 provide written notice of any properly filed request for a change  
24 in the zoning classification of a subject property to the owners of  
25 adjacent property in the manner set out in this section.

26 (2) Initial notice of the proposed zoning change on the  
27 subject property shall be sent to the owners of adjacent property  
28 by regular United States mail, postage prepaid, to the owner's

1 address as it appears in the records of the office of the register  
2 of deeds, postmarked at least ~~ten~~ twenty working days prior to the  
3 planning board public hearing on the proposed change. The initial  
4 notice shall also be sent by ~~with~~ a certified letter to any  
5 registered neighborhood association when the subject property is  
6 located within the boundary of the area of concern of such  
7 association. Each neighborhood association desiring to receive  
8 such notice shall register with the city the area of concern of  
9 such association and the name and address of the individual who is  
10 to receive notice on behalf of such association. The registration  
11 shall be in accordance with any rules adopted and promulgated by  
12 the city. Such notice shall describe the subject property or give  
13 its address, describe the nature of the zoning change requested,  
14 and contain the date, time, and location of the planning board  
15 hearing.

16 (3) A second notice of the proposed zoning change on the  
17 subject property shall be sent to the same owners of adjacent  
18 property who were provided with notice under subsection (2) of this  
19 section. Such notice shall be sent by regular United States mail,  
20 postage prepaid, to the owner's address as it appears in the  
21 records of the office of the register of deeds, postmarked at least  
22 ten working days prior to the city council public hearing on the  
23 proposed change. Such notice shall describe the subject property  
24 or give its address, describe the nature of the zoning change  
25 requested, and contain the date, time, and location of the city  
26 council public hearing.

27 (4) No additional or further notice beyond that required  
28 by subsections (2) and (3) of this section shall be necessary in

1 the event that the scheduled planning board or city council public  
2 hearing on the proposed zoning change is adjourned, continued, or  
3 postponed until a later date.

4 (5) The requirements of this section shall not apply to  
5 proposed changes in the text of the zoning code itself or any  
6 proposed changes in the zoning code affecting whole classes or  
7 classifications of property throughout the jurisdiction of the  
8 city.

9 (6) Except for a willful or deliberate failure to cause  
10 notice to be given, no zoning decision made by a city of the  
11 metropolitan class either to accept or reject a proposed zoning  
12 change with regard to a subject property shall be void,  
13 invalidated, or affected in any way because of any irregularity,  
14 defect, error, or failure on the part of the city or its employees  
15 to cause notice to be given as required by this section if a  
16 reasonable attempt to comply with this section was made. No action  
17 to challenge the validity of the acceptance or rejection of a  
18 proposed zoning change on the basis of this section shall be filed  
19 more than one year following the date of the formal acceptance or  
20 rejection of the zoning change by the city council.

21 (7) Except for a willful or deliberate failure to cause  
22 notice to be given, the city and its employees shall not be liable  
23 for any damage to any person resulting from any failure to cause  
24 notice to be given as required by this section when a reasonable  
25 attempt was made to provide such notice. No action for damages  
26 resulting from the failure to cause notice to be provided as  
27 required by this section shall be filed more than one year  
28 following the date of the formal acceptance or rejection of the

1 proposed zoning change by the city council.

2 (8) For purposes of this section:

3 (a) Adjacent property ~~shall mean~~ means any piece of real  
4 property any portion of which is located within ~~three hundred feet~~  
5 one-half mile of the nearest boundary line of the subject property;  
6 ~~or within one thousand feet of the nearest boundary line of the~~  
7 ~~subject property if the proposed zoning change involves a heavy~~  
8 ~~industrial district classification;~~

9 (b) Owner ~~shall mean~~ means the owner of a piece of  
10 adjacent property as indicated on the records of the office of the  
11 register of deeds as provided to or made available to the city no  
12 earlier than the last business day before the ~~twenty-fifth~~  
13 thirty-fifth day preceding the planning board public hearing on the  
14 zoning change proposed for the subject property; and

15 (c) Subject property ~~shall mean~~ means any tract of real  
16 property located within the boundaries of a city of the  
17 metropolitan class or within the zoning jurisdiction of a city of  
18 the metropolitan class which is the subject of a properly filed  
19 request for a change of its zoning classification.

20 Sec. 3. Original sections 14-374 and 14-420, Reissue  
21 Revised Statutes of Nebraska, are repealed.